

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RAMON ARGENY BATISTA SIMON and LEONARDO
JESUS PASTRAN GARBAN, individually and on behalf of
all others similarly situated,

Civil Docket No.:
23-cv-11058-JPO

Plaintiffs,
-against-

**DEFAULT
JUDGMENT ORDER**

CONSTRUCTION SERVICES CONSULTING NY INC.
d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as
an individual,

Defendants.

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This action was commenced by filing of a Summons and Complaint on December 21st, 2023. A copy of the Summons and Complaint was served by personal delivery on Defendants as follows:

1. On January 4, 2024, Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, were duly served with process via personal service by personally serving the individual defendant himself Stephen Mckenna, at 2515 Newbold Ave., Bronx, NY 10462, the Defendants usual place of business. (See Proofs of Service attached hereto as **Exhibit B** and **C**).
2. Corporate Defendant, CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD was further served with process via the Office of the Secretary of State, on January 5, 2024, pursuant to N.Y. Business Corporation Law § 306. (See Proof of Service attached hereto as **Exhibit D**).

3. Defendant STEPHEN MCKENNA, as an individual failed to develop any information that he was in the military upon service of process on each of the above-referenced dates of service. Defendant STEPHEN MCKENNA is not in the military nor dependent upon anyone in the military.
4. Defendant STEPHEN MCKENNA is not an infant nor incompetent. Defendant STEPHEN MCKENNA is an adult and is the owner of the Defendant corporate entity sued within.
5. Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, have failed to retain or be represented by counsel.
6. On February 9, 2024, upon Plaintiffs' request, the Clerk of Court entered the default of Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, for Defendants' failure to appear or otherwise defend in this action pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (*see* Dkt. Nos. 15-16); and
7. Notwithstanding the foregoing, as of the date of this filing, at no point hereto have any of the Defendants responded to the complaint herein, moved, retained counsel on this matter, or otherwise appeared on this matter.
8. Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, herein have been properly

served, are aware of Plaintiff's Complaint and of pendency of this matter against them, and have failed or refused to appear or otherwise defend in this matter.

9. As of the date of this filing, Defendants have demonstrated no intention to appear.

10. Accordingly, it is hereby.

ORDERED, ADJUDGED AND DECREED: That Plaintiff **RAMON ARGENY BATISTA SIMON**, has a judgment against Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, jointly and severally, in the liquidated amount of \$63,521.00 plus attorney's fees and statutory post-judgment interest accruing pursuant to 28 U.S.C. § 1961, from the date of entry of judgment, until judgment is paid in full.

ORDERED, ADJUDGED AND DECREED: That Plaintiff **LEONARDO JESUS PASTRAN GARBAN**, has a judgment against Defendants CONSTRUCTION SERVICES CONSULTING NY INC. d/b/a CELTIC SCAFFOLD and STEPHEN MCKENNA, as an individual, jointly and severally, in the liquidated amount of \$25,708.29 plus attorney's fees and statutory post-judgment interest accruing pursuant to 28 U.S.C. § 1961, from the date of entry of judgment, until judgment is paid in full.

The Clerk is directed to terminate ECF No. 18 and to close this case.

Dated: New York, New York
June 10, 2024



J. PAUL OETKEN
United States District Judge